

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

ANTHONY FILLER,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

**CV 19-61-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on September 21, 2021. (Doc. 69). Judge Johnston recommended that UPS's Motion for Summary Judgment (Doc. 57) be GRANTED, that this case be DISMISSED with prejudice, and that the Clerk be directed to enter judgment accordingly. (Doc. 69).

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

This Court dismissed three of Filler's claims on November 10, 2020. (Doc. 40). Judge Johnston entered his Findings and Recommendations on Filler's two remaining claims. (Doc. 69). Judge Johnston found that both Filler's unjust enrichment claim and *quantum meruit* claim fail as a matter of law. The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

Accordingly, **IT IS ORDERED:**

1. UPS's Motion for Summary Judgment (Doc. 57) is **GRANTED**.
2. This case is **DISMISSED** with prejudice.
3. The Clerk is directed to enter judgment accordingly.

DATED this 22nd day of November, 2021.



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Brian Morris, Chief District Judge  
United States District Court